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PART III—SECTION 8

Notifications relating to Minor Administrations

GOVERNMENT OF KUTCH

NOTIFICATION

Bhuj, the 4th August 1955

No. S-136/54—Reference this Government Notification No. S-136/54, dated 14th April 1955.

2. In consultation with the Union Public Service Commission, the Chief Commissioner for Kutch is pleased to continue on the existing terms, the appointment of Shri K. D. Shah as a temporary Subordinate Judge in the Judicial Department with effect from 1st August 1955 to 30th November 1955 or till the nominee of the Union Public Service Commission becomes available, whichever is earlier.

By order

S. B. PATIL

Secretary to the Chief Commissioner for Kutch

GOVERNMENT OF AJMER

Revenue Department

NOTIFICATIONS

Ajmer, the 30th July 1955

No. M-1/10/55-Rev—The Chief Commissioner has approved of Shri Nath Das Vyas, Proprietor Vyas and Co. Bhinal (State of Ajmer) as a candidate for a license to prospect and a mining lease to mine minerals except petroleum and natural gas in the State of Ajmer.

This Certificate of Approval is valid upto the midnight of 31st December 1955 and is granted on the condition that Shri Shri Nath Das Vyas shall employ as his Manager an individual possessing sufficient practical experience on the technical side of mining. This Certificate will be liable to cancellation without compensation if at any time it is found that Shri Shri Nath Das Vyas has failed to employ as his manager a person having sufficient technical experience of mining.

By order of the Chief Commissioner

P. N. SETH

Deputy Secretary

Ajmer, the 1st August 1955

No. M.2/2/54-Rev(II)—It is hereby certified that the Certificate of Approval granted to the Aryan Industries, Ajmer in this Government Notification No. A/25-1-II, dated the 24th December 1943 and subsequently amended has been further renewed with effect from 1st January 1955.

2. This renewed Certificate of Approval will remain in force upto the midnight of 31st December 1955.

By order

P. N. SETH

Deputy Secretary

Ajmer, the 4th August 1955

No. 62(3)/25/53-Rev.—It is hereby certified that the Certificate of Approval granted to Choudhry Lal Chand Peareylal, Naya Bazar, Ajmer, in this Government Notification No. 3/138/51-Mines, dated the 16th August 1951 has been further renewed with effect from 1st January 1955.

2. This renewed Certificate of Approval will remain in force upto the midnight of 31st December 1955.

By order

P. N. SETH

Deputy Secretary

CORRIGENDUM

Ajmer, the 1st August 1955

No. 2/2/54-Rev(1)—In this Notification No. A/25-1-II, dated the 24th December 1943—substitute "The Aryan Industries, Ajmer" for the words "Shri Jia Lal, Managing Agent, Aryan Industries, Ajmer".

The above amendment applies also to all subsequent Notifications renewing Certificate of Approval originally granted vide Notification No. A/25-1-II, dated the 24th December 1943 to the Aryan Industries, Ajmer till 1954.

By order

P. N. SETH

Deputy Secretary

Law and Judicial Department

Ajmer, the 5th August 1955

No. 31/1/52-Judl—In exercise of the power conferred by sub-section (1) of section 492 of the Code of Criminal Procedure 1898 (V of 1898) read with the Government of India, late Home Department Notification No. F. 126/37-Pub, dated the 1st April 1937, the Chief Commissioner, Ajmer hereby appoints Shri Mithan Lal and Shri G. C. Tak, Police Public Prosecutors as Additional Public Prosecutors for the said State for conducting the following cases only, namely:—State vs. Shri Prakash Chand and Shri Panna Lal and others under sections 302/392/397/109/120(B)(1)I.P.C.

By order

V. N. BHATIA

Secretary

Medical and L.S.G. Department

Ajmer, the 6th August 1955

No. 15/4/55-LSG—Under section 8(1)(1)(b) of the Ajmer-Merwara Municipalities Regulation, 1925 (VI of 1925), the Chief Commissioner, Ajmer hereby directs that the Ajmer Municipal Committee shall consist of 32 elected members.

By order

V. N. BHATIA

Secretary

COURT OF THE JUDICIAL COMMISSIONER, STATE OF AJMER

NOTIFICATION

Ajmer, the 2nd August 1955

No. 2272/R-X-55—In exercise of the powers conferred by Article 227 of the Constitution of India and of all other powers enabling him in that behalf, the Judicial Commissioner, with the previous approval of the State Government, is pleased to make the following rules for regulating the practice and proceedings of subordinate courts.

CHAPTER I

PRELIMINARY

1. **Title**—These rules may be called the General Rules (Civil), 1955.

2. **Commencement and extent**—The various chapters of these rules will come into force from the date on which they are published in the Government Gazette. The rules so published shall apply to all suits, appeals, proceedings and matters as far as may be in the Civil Courts subordinate to the Judicial Commissioner, pending or commenced on or subsequent to the coming into force of these rules.

3. **Repeal**—All previous rules relating to matters which are provided for in these rules are hereby repealed.

4. **Administrative control**—Subject to any Act or rules and to the Superintendence of the Judicial Commissioner, the District Judge shall have administrative control over all Civil Courts including the Court of Additional District Judge, if so appointed.

5. **Officers in charge**—Subject to the general control and supervision of the District Judge, the Central Nazarat, Record Room, Process Serving Staff and Copying Department at the headquarters of the District Judge or at any other place shall each be placed in the charge of a Judicial Officer nominated by the District Judge.

6. **Office hours**—The hours of work in offices of Civil Courts shall be from 10-30 A.M. to 4-30 P.M.

7. **Attendance Register**—The Munsarim (or Reader) of every Court shall maintain an attendance register of the staff in the prescribed form and shall put it up before the presiding officer every week.

8. **Clerks not to take records**—Clerks shall not take records to their houses and shall finish their work within office hours in Court buildings.

9. **Daily sittings of Judges**—(a) The daily sittings of Civil Courts for judicial work shall ordinarily extend from 11 A.M. to 4 P.M. with a break for lunch from 1-30 P.M. to 2 P.M. provided that a sitting may be prolonged by half an hour for the purposes of bringing to a conclusion the examination of a witness, the hearing of an argument, or any other proceeding, which in the opinion of the Judge, should not be or cannot be conveniently interrupted.

(b) District and Sessions Judge shall be in the Court building at the commencement of the Court time and shall sit in Court for Judicial work not later than half an hour thereafter.

10. **Administrative work**—All administrative work shall, so long as there is judicial work to be done between the above hours, be conducted outside those hours, and may be done in the presiding officer's retiring room.

11. **Work on holidays**—Except with the consent of parties, no suit, case or appeal shall be heard on a gazetted holiday; provided that on a gazetted holiday a Court shall not refuse to do any act or make any order urgently required or which may with propriety be done or made out of Court.

12. **Attendance register**—A register of attendance in the prescribed form shall be kept by every Judge in his own hand and shall be signed by him at the end of each month; provided that in the case of a change during the month, the officer relieved and the relieving officer shall respectively sign their own registers upto date. The District Judge shall forward a true copy of his own register to the Judicial Commissioner at the end of each month and shall also report if the subordinate courts have observed court hours during the month. The registers of all subordinate courts at headquarters and true copies of registers of outlying courts shall be submitted to the District Judge at the end of each month. The District Judge may pass necessary orders about the timings observed by subordinate courts and shall forward such registers or their copies to the Judicial Commissioner only if he considers it necessary.

13. **Weekly Cause List**—A cause list, in the prescribed form, of cases fixed for hearing on any day, prepared in legible hand and signed by the Munsarim or Reader of the Court, shall be posted on the previous working day in some conspicuous place in every court house. In the preparation of such list, precedence shall be given to cases which are at hearing or have been already adjourned, and the order in which cases are entered shall not be departed from without the express order of the Presiding Judge of the Court.

14. **Rubber stamps prohibited**—The use of rubber stamps in judicial orders for signatures required to be made by any law or rules, is forbidden.

15. **Table of jurisdiction**—In every Court room there shall be hung up in a conspicuous place a notice setting forth, in tabular form, the territorial and pecuniary jurisdiction as notified by the State Government and the Judicial Commissioner from time to time of the Court. The Munsarim or Reader shall be responsible for the maintenance upto date of this table of jurisdiction.

16. **Civil Courts in Ajmer State**—The territorial limits and place or places of sitting of the permanent Civil Courts in the State are stated in Appendix A.

CHAPTER II

SUITS AND APPEALS IN GENERAL

(A) Applications and Pleadings

17. **Paper for pleadings and petitions**—All pleadings, applications, and petitions of whatsoever nature, and also powers of attorney and certificates of pleaders, filed in the course of civil judicial proceedings, shall be written in a legible hand or type-written on Government water-marked paper:

Provided that when saleable forms have been prescribed by the Judicial Commissioner for any purpose, applications must be presented on such forms, if available.

Provided also that when Government water-marked paper is not available, courts may accept pleadings or petitions on stout durable paper of foolscap size.

Margin—Only one side of the paper shall be used, and a quarter margin, together with at least one inch of space at the top and bottom of each sheet, shall be allowed.

18. **Heading of pleadings and applications**—In every pleading or petition, the names of parties shall bear consecutive numbers, and a separate line shall be allotted to the name and description of each person.

19. **Person presenting application**—Every application or petition shall at the time of presentation bear the name and also full signature or thumb-mark of the person actually presenting the same together with the date of presentation.

20. **Separate applications for distinct subject matters**—Separate applications shall be made in regard to distinct subject matters.

No application containing argumentative matter, e.g., quotations and discussions of the effect of certain sections of Acts, or of certain rulings of the Court of the Judicial Commissioner shall be placed on record. They shall be returned to applicants without any order, except an endorsement that the application is returned under this rule.

21. **Persons from whom applications may be received**—Except an application for a copy, no application or petition and no pleading required or authorised by law to be made by a party in a court, shall be received from any person other than the party himself, his pleader, or his recognised agent. (See Order III, Rules 1 and 2).

Registered clerks of pleaders, as such, can present such applications as they may be authorised to present by the rules concerning such clerks.

22. **How to deal with applications received by post**—An application or petition, not being an application for a copy, received through post shall be returned to the sender with a note that it should be presented according to law; provided that necessary postage stamps have been received with such application or petition; otherwise it shall be filed in a file book.

23. **Valuations to be noted on petitions**—In every petition on which an appealable order may be passed by the Court, the petitioner shall give the value of the subject-matter affected by the petition.

24. **Time for presenting applications**—Except as otherwise provided by these rules, applications and petitions which can be presented to the Munsarim or Reader of a

Court shall be received on any day other than an authorised holiday between 10-30 A.M. and 2 P.M. provided that an application or petition presented after such hour and before 4-30 P.M. may be received on the ground, if any, or limitation or other urgent reason. Presiding Officers when accepting plaints or applications after court hours will note on such papers the time of their presentation.

25. *Order other than routine ones to be made in Judge's notes*—No orders except routine orders are to be recorded on the applications themselves. All orders other than routine orders passed on applications are to be recorded in the Judge's notes or the suit or proceeding from the date of the first hearing to its termination.

26. *Receipt slip*—Any person may if he so wishes attach to, and present with his petition or plaint or appeal, a receipt slip in the prescribed form and until such form is prescribed in a suitable acknowledgment form. If this is done, the slip shall be signed in acknowledgment of the receipt of the petition or pleading as the case may be and returned to the petitioner. In case of plaint the slip shall also contain, the amount or court fees attached on the said plaint, appeal or petition.

27. *Grant of certificate of Court fee and stamps in certain cases*—In suits by or against Government, State Railways, Court or wards, Municipal or other local bodies, trustees of a trust, if any party desires a certificate of court fee and stamps filed in court by it and furnishes particulars of the same, the court shall direct the Munsarim, Reader or any other official to give such certificate upon the particulars furnished after verification from the record.

28. *Duty of a Munsarim or Reader in respect of plaints*—A Munsarim or Reader of a Civil Court appointed to receive plaints shall examine each plaint presented to him, and shall report thereon within three days whether the provisions of the Code* and the Court Fees Act, have been observed, and whether the claim is within the jurisdiction of the Court, constitutes a cause of action and has been presented within the period prescribed for the institution of such a suit.

The Munsarim or Reader shall see that the actual date of the presentation of the plaint is entered upon the impressed stamp and adhesive label, if any, below the date of purchase endorsed on them.

On the back of all plaints the Munsarim or Reader shall note:—

- (a) date of presentation of the plaint,
- (b) name of presenter,
- (c) classification of suit, and
- (d) Court-fee paid.

29. *Opposite party to be given copies of written statement etc.*—The party filing any of the following papers in a case, other than a case of a Small Causes Court nature, shall file a written acknowledgment from the opposite party or his counsel of having received a copy thereof, and also of the affidavit, if any, accompanying such paper, and, on default, the court shall cause a copy to be furnished immediately or served as soon as possible on such opposite party or his counsel at the cost of the party filing the paper:—

- (i) a written statement,
- (ii) an objection under section 47 or under Order XXI, rule 58 of the Code,
- (iii) an application for the amendment of any pleading,
- (iv) an application for the appointment of a Receiver or a Commissioner,
- (v) an application for the amendment of a decree,
- (vi) an application for remitting or setting aside an award and an objection to an award,
- (vii) an application for grant of a temporary injunction:
- (viii) list of documents.

Provided that the Presiding Judge, if he is of opinion that a copy of any other paper should also be supplied to the opposite party, may pass such orders about the copy being furnished to the opposite party as he deems fit.

30. *How to make amendment in pleadings*—(i) An application for amendment made under Order I, rule 10, Order VI, rule 17 or Order XXI of the Code shall also contain all consequential amendments. The Presiding Officer shall reject the application if it is not in accordance with law or these rules.

(ii) When a party dies *pendente lite*, a note to that effect shall be added against the name of the party and necessary consequential amendment in the body of the petition or pleading shall also be made as provided under suo-rule (1).

(iii) When the heirs of a deceased party are substituted for him, they shall be entered and numbered as follows:

If the serial number of the deceased party was say '3', his heirs will be numbered as 3/1, 3/2, 3/3 and so on. If suppose party numbered as 3/1 dies, his heirs will be numbered as 3/1/1, 3/1/2, 3/1/3 and so on.

31. *Return of petitions and plaints*—No application which has been filed in a court shall be returned for presentation to proper Court.

32. *Return of Vakalatnama with plaint*—When a plaint is returned to a pleader or recognised agent of the plaintiff, the authority executed in his favour shall also be returned to him.

When returning a plaint for presentation to proper Court, a Court may order the plaintiff to file a copy of the plaint to be put on record in place of the plaint.

(B) Documents

33. *Translation to be filed with certain documents*—Every document produced by a party or his witness not written in Hindi or in English shall be accompanied by a correct translation or transliteration as the case may be of the document into Hindi written in the Devanagari script. The translation or transliteration as the case may be shall bear a certificate of the party's lawyer to the effect that the translation or transliteration as the case may be is correct. If the party is not represented by a lawyer, the Court shall have the translation or transliteration as the case may be certified by any person appointed by it in this behalf at the cost of the party concerned.

34. *Opposite party to record admission or denial on documents*—A party desiring to produce any document in Court shall, before producing it in Court, obtain admission or denial recorded on the back of the document by the opposite party's lawyer. If the opposite party is not represented by a lawyer, the Court shall get admission or denial recorded by the party in its presence and may, for the purpose, examine the party.

35. *List to accompany all documents whensoever filed*—The list of documents required by Order VII, rule 14, and Order XIII, rule I, shall be in the prescribed form and no document, whensoever produced, shall be received unless accompanied by the said form duly filled up. In the case of a document produced by a witness or person summoned to produce a document, the form shall be supplied by the party at whose instance the document was produced. The list as well as the documents shall be immediately entered in the general index in the prescribed form.

36. *Statement about erasures and additions*—Whenever any private document, other than a registered document or certified copy, containing erasures additions or interlineations is produced by a party to a case, it shall be accompanied by a statement clearly describing each such erasure, addition or interlineation, and signed by such party. Reference to such statement shall be made in the list with which the paper is filed.

37. *Small documents and those of historic value*—Small documents when filed in a court shall be filed, pasted on a paper equal to the size of the record, and the margin of the paper should be stitched to the file so that no part of the document is concealed by the stitching. If a document contains writing both on the front and the back, it should be kept in a separate cover which should be stitched to the file at the proper place leaving the main document untouched.

Note—Care should be exercised in dealing with documents of historic or antiquarian value, and every possible endeavour should be made to prevent their being defaced by endorsements or exhibit marks or by having the seal of the Court impressed on them. Instructions from higher authority should be sought, if necessary.

38. *Affidavit to accompany an application for production of public record*—When a party requires the production of a public record, the application shall, unless the Court otherwise directs, be accompanied by an affidavit showing how the party requiring the record has satisfied himself that it is material to the suit and why a certified copy of the document cannot be produced or will not serve the purpose.

*The term "Code" wherever used in the Rules means the Code of Civil Procedure, 1908.

39. *Documents for production of which sanction of head of department is necessary*—When a Court decides that in the interests of justice it is necessary that it should have before it a document which cannot be produced without the sanction of the head of the department concerned, it shall in its order asking for such document set out as clearly as possible; (a) the facts, for the proof of which the production of the document is sought; (b) the exact portion or portions of the document required as evidence of the facts sought to be proved. The Court summoning the document shall fix a date for its production, which should not be less than three weeks from the date of issue of summons.

40. *Registers from Sub-Registrar's Office*—(1) A summons for the production of any register or book belonging to the office of a Sub-Registrar shall be addressed to the District Registrar and not direct to the Sub-Registrar.

(2) *Production of Police Diaries*—A summons for the production of documents in the custody of the police should be addressed to the Superintendent of Police concerned, and not to the Inspector-General.

(3) *Production of Municipal and District Board Records*—When duly authenticated and certified copies of documents in the possession of Municipal and District Boards are admissible in evidence, the Court shall not send for original records unless, after perusal of copies filed, the court is satisfied that the production of the original is absolutely necessary.

(4) *Post Office records not to be unnecessarily disclosed*—When any journal or other record of a post office is produced in Court, the Court shall not permit any portion of such journal or record to be disclosed, other than the portion or portions which seem to the Court necessary for the determination of the case then before it.

41. *Settlement Records*—When a Court requires the production of any Settlement Record in which the settlement officer acted in a judicial capacity, it shall be summoned in the manner provided by Order XIII, rule 10. In other cases, the procedure prescribed in Order XVI, rule 6 shall be followed.

The summons to produce such documents shall be issued to the Collector or the Settlement Officer, who has custody of the record, who may send the document by messenger or registered post.

42. *Payment of postage fee etc.*—The payment of postage and registration fees, or of travelling and other expenses for messengers, incurred in the transmission of, or requisition for records, shall be paid ordinarily by the party at whose instance the expense is incurred.

43. *Covers of documents received by registered post to be retained*—When a document of any kind connected with a judicial case is received under a registered cover, the cover shall not be destroyed, but shall be attached to the file of proceedings in the case to which the documents refer.

44. *Documents produced how to be dealt with*—All documents produced must be received by the Court and must be dealt with in one or other of the following ways, viz:—

- (a) returned,
- (b) placed on the record, or
- (c) impounded.

45. *Duty of Court upon production of documents*—The Court shall inspect and consider all documents as soon as possible after issues are framed and before evidence is produced, and shall—

- (a) where they are held by the Court under Order XIII, rule 3, to be irrelevant or otherwise inadmissible, forthwith reject them;
- (b) where not rejected under Order XIII, rule 3, and held to be relevant and admissible in evidence, admit them in evidence, if admitted by the other side or where it is not required to be proved, mark them as provided in Order XIII, rule 4, and note the fact in the record.

46. *Admission of genuineness not to be confused with admission of truth of contents*—When a certified copy of any private document is produced in a Court, inquiry shall be made from the opposite party whether he admits that it is a true and correct copy of the document which he also admits, or whether it is true and correct copy of the document which he denies, or whether it is a true and correct copy of the document the genuineness of which he admits without admitting the truth of its contents, or whether he denies the correctness of the copy as well as of the document itself.

47. *Proper expression about admissions of documents*—Admission of a document by a party shall be indicated by the endorsement "Admitted by the plaintiff" or "Admitted by the defendant". Admission of a document in evidence by the Court shall be indicated by the endorsement "Admitted in evidence". If any question is raised as to the correctness of a copy and the correctness of it is admitted, the endorsement shall be "Correctness of copy admitted". The use of the expression "Admitted as a copy" in endorsement on documents is prohibited.

48. *Endorsement on documents in suits compromised or dismissed for default*—Documents filed in suits which are dismissed for default or compromised shall, before being dealt with in the manner provided in rules 52 and 53, be endorsed with the particulars mentioned in Order XIII, rule 4(i).

49. *Marking of documents*—(1) Documents produced by a plaintiff and duly admitted in evidence shall be marked with a number and documents produced by a defendant shall be marked with a number and the letter A, or, where there are more than one set of defendants, by the letter A for the first set of defendants, by the letter B for the second and so on. Where a document is produced by order of the Court and is not produced by any party, the serial number shall be prefaced by the words "Court Exhibit" or an abbreviation of the same.

(2) Where a document is produced by a witness at the instance of a party, the number of the witness shall be endorsed thereon, e.g. Ex. I/P.W.1 if it is produced by the plaintiff's first witness, and Ex.A1/D.W.1 if it is produced by the defendant's first witness.

(3) The party at whose instance a document is produced by a witness shall deposit the cost of the preparation of a certified copy of that document before it is placed on the record. The office shall then prepare a certified copy and keep it with the original document. If the witness wants to take back his document after evidence relating to the document has been led, it shall be returned to him, unless there are special reasons for keeping the original on the record:

Provided that a certified copy shall not be necessary where the document is written in a language other than Hindi or English, and a translation or transliteration as the case may be has been filed as prescribed by rule 34.

(4) Every exhibit mark shall be initialled and dated by the Judge.

50. *Marking of documents of the same nature*—Where a number of documents of the same nature are admitted, as for example, a series of receipts for rent, or a series of entries in the same account book, the whole series should bear one figure or capital letter or letters, a small figure or letter in brackets being added to distinguish each paper of the series.

51. *Return of certain documents*—A document which is rejected as irrelevant or otherwise inadmissible under Order XIII, rule 3, shall unless impounded under Order XIII, rule 8, be returned with endorsement to the effect to the person producing it or to his pleader, and such person or pleader shall give a receipt for the same in column 7 of the list of documents filed. A pleader is bound to take back a document when ordered by the Court to do so.

52. *Retention of impounded and certain other documents*—(1) Documents impounded shall be dealt with in accordance with Order XIII, rule 8, and the word 'Impounded' should be noted in red ink across appropriate columns of the list of documents filed against the entries relating to such documents in the said list.

(2) Should either party or his pleader entitled to receive a document, under rules, be absent or for good cause unwilling to receive it, it shall be marked not part of the record, a note of the same being made in appropriate column of the list of documents filed.

53. *Care of impounded documents*—(a) No document which the Court has ordered to be impounded or which is required by law to be filed and preserved (for instance a will under Section 294 of Act XXXIX of 1925) shall be allowed to pass out of the custody of the court, and no document produced for the purpose of comparison of signature, writing or seal shall be returned within the periods specified in Order XIII, rule 9(1).

(b) With reference to Order XIII, rule 9(1) (b) an interval of four months shall ordinarily be allowed to intervene from the date of decree before the documents, whether original or copies, filed in a case are returned to the parties who produced them.

54. *Cost of proving documents*—When a party has, without good reason, refused to admit the genuineness of

a document, the court may order it to bear the costs incurred in proving it, irrespective of the result of the suit or proceeding.

55. *Return of documents*—A general notice shall be posted in a conspicuous part of every court house, giving warning that all documents filed in any suit or proceeding which may legally be returned, must be withdrawn as soon as the decree or order made in the suit or proceeding has become final or after four months of the decree or order, whichever is longer, and that if they are not so withdrawn, they will remain at the risk of the persons concerned.

56. *Books of Business*—If a document be an entry in a letter book, a shop book, or other account in current use or an entry in a public record, produced, from a public office or by a public officer, a copy of the entry, certified in the manner required by law, shall be substituted on the record before the book, account or record is returned, and the necessary endorsement should be made thereon, as required by Order XIII, rule 5.

(C) Commissions

57. *Commissions to be issued to whom*—(1) A commission for the examination of any person including one for the administration of a special oath shall ordinarily be issued to a legal practitioner practising either before the Court issuing the commission or before the Court within whose jurisdiction the witness resides. Such commissions may, if it is considered desirable, also be issued to a Court (not being the Court of the Judicial Commissioner) within the local limits of whose jurisdiction the witness resides.

(2) A commission for making a local investigation necessitating the taking of evidence shall ordinarily be issued to a legal practitioner, and in cases requiring some special and technical knowledge, to a person possessing the necessary technical and special knowledge.

(3) A commission to examine accounts may be issued to any person (including a legal practitioner) who is a competent accountant.

58. *List of Commissioners*—(1) Every District Judge shall maintain a separate list of legal practitioners for each place where any Civil Court or Courts are located authorised to execute commissions. The lists shall be prepared by the District Judge in consultation with the Judicial Officers of such places. The list may be subdivided into three parts, namely, for accounts, for survey, and for all other purposes. The number of Commissioners in each part shall be fixed by the District Judge.

Care shall be taken to include in the list of Commissioners for survey and accounts only those who are conversant with such work.

The list of Commissioners in the prescribed form shall be maintained in the office of the District Judge at the headquarters and of the Senior most Judicial Officer at other places, and all commissions issued shall be entered in it. Commissions shall be issued in strict order of rotation in respect of each part unless there are reasons to the contrary. No commission shall be issued to any person whose name is not entered in these lists except for special reasons. The lists shall be revised once a year.

(2) No commission shall issue to a Collector or to any officer subordinate to a Collector unless the consent of the Collector has been obtained previously. Munsarims, Nazirs, Copyists, Ahlmads, Pleaders' clerks and petition-writers shall not be employed as Commissioners.

(3) The Court shall ordinarily require the party asking for the issue of a commission to deposit a fee (to be fixed by the Court) before the issue of the commission. The fee shall be fixed with due regard to the circumstances of the case and the status of the Commissioner.

In the case of protracted investigation, which extends beyond the time originally calculated, the Court may suspend the commission until a further sum sufficient to cover the additional expense is paid into Court.

(4) For the remuneration of a legal practitioner to whom a commission to examine a witness is issued, the Court should require the party applying to pay a fee which shall ordinarily be twelve rupees for the first witness and eight rupees for each subsequent witness to be examined, if the Court is that of Small Causes or a Munsiff; and Rs. 20 for the first witness and Rs. 12 for each subsequent witness if the Court is that of a Civil Judge or District Judge. If payment of higher fees than the above is necessary, the reasons therefor shall be recorded by the Judge.

(5) Where a commission cannot be executed for reasons beyond the control of the Commissioner, the Court may

order payment of such fees as may appear to be reasonable, with due regard to the time spent by the Commissioner.

59. *Prohibition of commission fees to Government Officers*—The acceptance by Judicial Officers or ministerial officers of Courts of fees for executing commissions is prohibited.

60. *Particulars to be given in the order for local investigation*—When issuing a commission for making a local investigation under Order XXVI, rule 9, the Court shall define the points on which the Commissioner has to report. No point which can conveniently and ought to be substantiated by the parties by evidence at the trial shall be referred to the Commissioner.

61. *Time for executing commissions*—A reasonable time shall be fixed for execution of every commission and the Court shall see that it is executed within such time unless the Court for sufficient reason extends the time.

62. *Payment in advance of expenses for issue of commission*—(1) Whenever a commission is issued to any Court, the Court issuing the same shall require the party applying for issue to pay into Court before issue:—

(a) Where such witness is to be examined by a Court, the travelling and other expenses likely to be incurred by the witness;

(b) in other cases such additional sum also as it may consider necessary for the employment of a legal practitioner by the Court to which the commission is issued.

(2) The Court issuing the commission may require the party concerned to deposit such further amount as the Court to which the commission is sent may lawfully require.

(3) Moneys thus deposited shall be entered in the Register of Petty Receipts and Repayments.

63. *Commissioner's responsibilities*—A commissioner shall in his report always give reasons or date on which he bases his opinion.

A Commissioner shall not issue copy of any map or report prepared by him or of evidence taken by him or of any portion thereof, to any party.

64. *Local inspections by presiding officers*—When a Presiding Officer of a Court considers it necessary to make a local inspection, it shall invariably during the inspection or as soon as is convenient thereafter, record a note to be placed on the file, the purpose of the inspection and all facts perceived or impressions received in the course thereof which are likely to affect its decision in the case. This note shall as far as possible be prepared in the presence of parties or their counsel. Where this is not possible, the parties or their counsel shall be informed of it.

Where a Presiding Officer decides to make a local inspection on the request of a party or both the parties, he should require the party or parties concerned to deposit in Court an amount sufficient to cover his travelling allowance according to the rules. Such amount shall be entered in the Register of Petty Receipts and Repayments of the Court and the Presiding Officer shall be entitled to draw his travelling allowance admissible under the rules after having his claim passed by the District Judge. But when the District Judge makes such inspection, it shall not be necessary to have his bill passed by any authority and he may himself draw the amount.

65. *Commissions letters of request, etc. to foreign Courts*—Letters of request, commissions and other judicial documents meant for foreign or commonwealth countries shall be sent through the High Court of the Judicial Commissioner and the Ministry of External Affairs and Commonwealth Relations, Government of India, New Delhi.

When issuing such commissions the Court shall have such funds deposited by the party at whose instance the commission is issued, as may, in the discretion of the Court, be considered sufficient to defray the expenses likely to be incurred by the executing Court. An undertaking should also be taken from the party concerned to pay such further sum as may be wanted by the executing Court.

66. *Procedure regarding Letters of request for the examination of witnesses in the United Kingdom*—(a) When a letter of request is issued for the examination of a witness in United Kingdom, costs have to be incurred in stamps and fees for the execution of the Commission amounting to about £25 if it is non-contentious. The party concerned in such cases should, therefore be made to deposit a sum of £25 Sterling in favour of the High Commissioner of India in the United Kingdom. A draft for the sum deposited should be sent to the High Court of Judicial Commissioner for being forwarded to the Ministry of

External Affairs along with documents. An undertaking should also be taken from the party concerned to pay any excess over £25 if the expenses exceed £25.

(b) The Letter of Request and interrogatories should be neatly prepared on good paper in a form presentable to the High Court of England.

(c) All these documents should be sent in duplicate in a sealed cover.

(D) AFFIDAVIT

67. *Power of District Judge to appoint lawyers to verify affidavits*—A District Judge may appoint legal practitioners to administer oaths to declarants.

The fee chargeable by the Oath Commissioners so appointed shall be -/8/- for each affidavit, for the Courts of Munsif, and Small Causes, and Re. 1 for each affidavit for all other Courts. Such fees paid to an Oath Commissioner shall be taxed in the decree.

68. *Persons to verify affidavit*—(a) In the absence of the Oath Commissioners Munsarims of all Civil Courts may on application to Court verify an affidavit.

(b) A court-fee label of -/8/- shall be affixed to each affidavit verified before Munsarims for filing in the courts of Munsif and Small Causes, and Re. 1 to each affidavit verified before Munsarims for filing in all other Courts.

(E) ADJOURNMENTS

69. In dealing with applications for adjournments, Court shall be guided by the following instructions:—

(1) A date for hearing, once fixed, shall, so far as practicable, be strictly adhered to, and no adjournment granted except for good cause. In no case, when one of the parties is ready to proceed, should an adjournment be granted at the request of the opposite party, except on condition that a sum, commensurate with the costs* which in the opinion of the Court, the party ready to proceed has incurred on the date of the adjournment, be paid as and when directed by the Court to the party ready to proceed. The amount of costs for witnesses so paid shall not be taxed in the decree. In all cases when an adjournment is granted, the Judge shall record his reasons for granting the same.

(2) The fact that a party is, through carelessness or negligence not ready to go on with a suit, is not in itself good cause for adjournment.

(3) The rules regarding the filing of documents and exhibits should be strictly observed, and parties have no right to ask for adjournments in order to obtain copies of documents, if by the exercise of diligence they could have procured them in time.

(4) A hearing should not be adjourned to call for a written report from an officer of the Court, unless such report be absolutely necessary and cannot be obtained the same day.

70. *Priority to cases to which soldiers, sailors or airmen are parties*—(1) No case in which witnesses are present shall be allowed to stand out of its place in the list except for special reasons to be recorded by the Judge under his hand:—

Provided that every Court shall bring to a hearing without regard to the order in which they may have been filed, all suits in which an officer, soldier, sailor or airmen or person who may have obtained leave of absence from the Army, Navy or Air Force, may be a party, and shall decide suits as speedily as may be convenient and consistent with the due administration of Justice.

Priority to cases which are holding up other cases—

(2) Suits, appeals or applications for the decision of which other cases have been held up shall be given priority, and they shall on no account be adjourned except for good reasons.

71. *Priority to cases (uncontested)*—A Judge shall before beginning his work for the day go through the cause-list and ordinarily dispose of all uncontested work first, and then begin the contested work.

72. *Fixing of dates*—The first date of hearing in a case shall not ordinarily be fixed more than two months ahead. But in a case in which the Government, the Court of Wards, or any Railway Administration is a party, the date for the first hearing shall be fixed for a day not less than two months after the institution of the suit; and if necessary, the date of hearing may be changed if counsel can show that instructions have not been received or that sufficient time for instruction and necessary inquiries has not been allowed.

* (N.B.—“Costs” include necessary lawyer’s fees).

Before fixing a date for final hearing, the Judge shall, after consulting pleaders for both sides, if necessary, make reasonable estimate as to the time required for the disposal of each particular case.

73. *Party’s fault in non-service of summons on witnesses*—(1) In all cases the Court shall require a party applying for an adjournment, on the ground that a summons has not been duly served to show that he applied, where it was possible to so apply, for the issue of the summons in time to enable the service to be effected and that he performed every other act required for the issue and service thereof.

(2) When a date more than one month ahead is fixed for the examination of witnesses, the parties shall make repeated efforts to procure service of summonses on their witnesses. It shall be their duty in the absence of any special order of the Court to apply for the issue of summonses within ten days of the order fixing the date for examination of witnesses and to make subsequent applications within seven days of the return to the Court of a summons which has not been duly served.

(3) The Nazir shall contact the party applying for the process, his authorised agent or vakil, (and inform him of the fact that the process has been returned unserved. The signature of the party, agent or vakil, shall be obtained in such cases. Regarding cases in which the party, agent or vakil cannot be conveniently contacted, a list of processes returned unserved shall be notified from time to time on the notice board of the Court.

(4) Where a summons has been returned unserved by reason of a wrong or insufficient address of the witness, the Court may, before adjourning the case for issue of a fresh summons, require the party applying for the same to satisfy the Court, by affidavit or otherwise, that such party was not in a position to know the correct address at the date when he applied for issue of the former summons, and also that the evidence of the witness is really material.

(F) HEARING OF THE SUIT

74. *Judge’s Notes*—(1) The Judge’s notes are intended to be a record of the progress of the suit or proceeding from the date of the first hearing of the suit or proceeding and to include every material order passed therein on any interlocutory matter, and shall also contain the issue framed. These notes shall be legible and complete.

(2) The Judge’s notes shall show how documents tendered in evidence have been dealt with, the admissions or denial thereof by the opposite-party, whether such admissions or denials have been endorsed thereon by the said party, and, if any question of relevancy raised, the decision thereon.

75. *Evidence common to two cases*—Whenever by consent of parties evidence given in one case is admitted by a Civil Court as evidence in another case separate proceedings stating the fact shall be recorded, signed by the Judge and placed on the records of both cases.

76. *Witnesses in attendance to be examined*—On the day fixed for recording the evidence of witnesses, the evidence of all witnesses in attendance shall, so far as is possible, be recorded. That some witnesses have not attended is no reason for not recording the evidence of those in attendance. If the examination of all the witnesses is not concluded on the same day, it shall be proceeded with, if possible, from day to day.

77. *Judges duty during the recording of evidence*—The memorandum required by Order XVIII, rule 8 shall state clearly what each witness deposes as to the points at issue, and shall be recorded as the examination of each witness proceeds.

78. *Record of parties statements*—Statements of parties or their counsel under Order X, rules 1, 2 or of a similar nature shall be recorded either on the Judge’s notes or on a full sheet of foolscap paper and shall be signed by the person making it.

(G) JUDGMENT AND DECREE

79. *Mode of recording judgment*—To each judgment shall be prefixed a heading specifying the number of the case and the names of all the parties.

No Court shall write a judgment or final order on the order sheet or any paper already on the file, such as pleadings, applications objections, etc.

A judgment may be written or type-written by the Judge, or may be recorded at his dictation, but every page of the record of a judgment, not in the handwriting of the Judge, shall be attested by the Judge’s signatures.

80. *Provision of C.P.C. to be given in certain judgments*—When plaints are rejected or returned, and in cases dis-

posed of without decree, as also in cases in which decrees are passed without contest, the Judge shall put on record the section, or order and rule, of the Code under which the judgment or order is passed.

81. *Reference in judgments to parties and witnesses*—(1) A reference to a party or a witness shall be by name and number, and not merely by number like P.W.1 or defendant 1.

(2) Judgments shall contain words in full and not in abbreviated forms except where the abbreviations are well recognised and are in common use, such as a.m., p.m., e.g.

82. *Judges may take records out of Courts*—Presiding Officers of Civil Courts may take records for perusal or writing judgment to their residence. Records thus taken out of office must be returned as soon as possible.

83. *Judgments not to be delayed*—(1) A Judgment shall be delivered within a reasonable time after the close of the case which shall not ordinarily exceed one month.

Completed cases to be decided by officer before proceeding on transfer—(2) When a Judge is transferred, he shall ordinarily deliver judgments in all cases complete in other respects. If necessary, he shall take the file to his new Station and there finish the judgment which shall be pronounced by his successor. If owing to the bulk or importance of a record it be not considered desirable that he should take it with him, the judgment shall be written before the transfer takes place.

84. *Decree to be self-contained*—Every decree and order as defined in section 2 of the Code shall be drawn up in such a manner that in order to the understanding and execution thereof, it may not be necessary to refer to any other document or paper whatever, which is not made part of the decree or order.

Prescribed forms of decrees—In all cases in which the form of a decree has been prescribed or indicated by statute, the decree shall be prepared, as far as possible, in the form so prescribed.

85. *Taxing of diet money of witnesses*—In taxing costs the diet money of only witnesses as are actually examined shall be included as per rules of diet money of this State unless the Court directs otherwise.

86. *Drawing up of decree*—(1) The decree or formal order shall be drawn up ordinarily within three days of the date of judgment and shall bear that date. After the decree has been examined, it shall be signed by the Judge and the date of such signature entered by him immediately beneath the signature.

Contents of decree (original)—(1) The Judge shall see that the decree or formal order drawn up specifies clearly the relief granted or other determination of the case and contains definite particulars of the claim.

87. *Contents of appellate decree*—When an appellate Court modifies or reverses the decree of the trial court, the appellate decree shall specify the relief actually granted as the results of such modification or reversal. The Judge shall satisfy himself before signing the decree that the relief thus specified has been embodied in the decree.

88. *A copy of appellate judgment to be sent to the officer against whose order or decree the appeal was preferred*—A copy of an appellate judgment certified to the lower Courts shall, after noting the result in the appropriate register, be put up for perusal to the officer against whose order or decree the appeal was preferred. Such officer shall return the copy within a fortnight.

89. *Information to departmental heads when necessary*—A Judge shall, after delivery of his judgment in any suit or proceeding, inform the head of the Department concerned of any circumstances personally affecting any public servant in that case.

CHAPTER III

A SUMMONS AND OTHER PROCESSES (GENERAL)

90. *Parties to file summons*—(a) A party shall file with the plaint, memorandum of appeal, or an application requiring the issue of a Summons/Notice, a printed Summons/Notice form in duplicate, in the Nagri character, duly filled up except in respect of the date of appearance/hearing and date of issue of the summons/notice. The court may also direct a party in any proceeding to file a summons or notice filled up as above to be served on the opposite-party:

Provided that the Presiding Officer may in his discretion direct that such forms in general or any particular such form be filled up entirely in the office of the court.

Date to be filled by Office—(b) In summonses and notices the date of appearance/hearing and the date of issue shall be filled up by the Office of the court and the

Presiding Officer or the Reader, to whom such authority may have been delegated, shall sign the summons/notice and also put the date of signature.

Form to be legibly written and signed by parties—(c) The forms shall not be accepted unless filled up in a bold, clear and legible handwriting. The parties their recognized agents or pleaders, shall sign the form in the left bottom corner, and will be responsible for the accuracy of the information entered in the forms.

Process to contain name of issuing court—(d) In every process or order, issued or made by a Judicial Officer, the names of the court and the officer issuing or making it, and of the place and the district where the court is located, shall be legibly written at the top.

In all cases all Judicial Officers and Readers shall sign their names distinctly and legibly. No such signature shall be made by means of a stamp.

Form of process—(e) Where there are printed forms available for any process, such forms shall invariably be used. Where there is a prescribed form but no printed copies are available, a process shall be written in the prescribed form. In cases where there is no prescribed form, a form prescribed for analogous cases, if possible, shall be modified to meet the requirements of the particular case.

When translation to accompany process sent to other courts—(f) Where a process is sent to the court of a State where Hindi language is not in ordinary official use, a translation, certified by the transmitting court to be correct, into English may be substituted.

Cost of printed saleable forms to be taxed in decrees—(g) Cost of printed saleable forms filed by the parties shall be taxed in all decrees.

91. *Contents of process*—Before issuing a process, the issuing officer shall satisfy himself that such description of the person for whom the process is intended or in respect of whom or whose person or property it is issued, is entered therein as will enable the process-server without risk of mistake to identify such person or property. The name, father's name, occupation, district, Mohalla, (if any) village or town shall be set forth in the process. Where such description does not appear in the application of the person moving the court to issue the process or in the record, the orders of the court shall forthwith be taken by the issuing officer.

92. *Time to be allowed in processes to Government Departments*—In all processes issued in any suit or proceeding to which the Government, Court of Wards or a Railway Administration be a party, care shall be taken, that a reasonable time is allowed for communication between the authorities competent to give instructions to the counsel or agent authorised to represent them in court.

93. *Payment of process fees and other expenses*—Except in so far as is otherwise provided by any rule or specially ordered by a court, no process shall be drawn up or issued for service or execution, as the case may be, until the fee chargeable under these rules has been paid in court-fee stamps.

94. *Process fees for notice in execution cases*—(1) The process-fee for issue of notice either under rule 16 or rule 22 or the Order XXI shall be paid when the application for execution is presented. After service of notice, if the court direct execution to issue, the fee for attachment or arrest, as the case may be, shall be paid promptly and if the judgment-debtor's property is, after the attachment, ordered to be sold, the necessary sale fees shall be deposited.

Process fee deposited in previous execution not to be used in later execution—(2) When an application for execution of a decree has been disposed of and a fresh application is made, the process-fee deposited in connection with the previous execution and not spent shall not be utilized for issue of a fresh process.

95. *Postage for sending processes*—No charge for postage for transmission of processes from one court to another shall be levied from the parties, posted charges being paid by means of service postage stamps by the court forwarding or making return.

96. *Endorsement on processes sent for service to other courts*—When a court sends a process for service or execution to any court beyond its jurisdiction, it shall endorse on the process a certificate that the fee chargeable under the rules has been levied.

97. *Service of processes from other courts*—When a process bearing a certificate that the proper fee has been levied is received by a court from another court in India, the court shall cause it to be served without further charge.

98. *Particulars in record of court returning summonses*—The court to which the summons has been sent under

Order V rule 21, shall re-transmit it to the court by which it was issued together with—

- (1) the Nazir's return and the affidavit or examination on oath of the serving officer;
- (2) the record of further inquiry, if any, by such court;
- (3) where the service has been effected by affixation under Order V, rule 17, a declaration by such court whether the service is sufficient or not.

99. *Processes for service by foreign countries*—A process meant for service in foreign or Commonwealth countries shall be sent through the High Court to the Ministry of External Affairs and Commonwealth Relations, Government of India.

100. *Directions for processes to be sent to foreign courts*—The following directions shall be carefully complied with when any processes are to be issued for service in foreign countries (i.e., a state or Country outside India):—

- (a) They shall be drawn up in proper form and type-written. Where printed forms are not used, they shall be written on good durable paper.
- (b) They shall be written in English and shall be legible. Such summonses etc., shall not be signed by the Reader but by the Presiding Officer of the court issuing them, and he shall satisfy himself that the documents are correctly addressed and properly sealed. This matter shall not be left to the parties and the Readers.
- (c) The names and addresses of the individual upon whom a process is to be served shall also be stated in the forwarding letter accompanying the process.
- (d) All documents not in English shall be accompanied by their translation in English and in addition where the person upon whom the service is desired is not a British subject, by a translation into the language of the country concerned.
- (e) The returnable date to be specified in the documents shall be so fixed as to allow sufficient time for execution and return of the documents to India before the date fixed for the next hearing of the suit. In no case shall the returnable date to be not less than six months after the date on which the documents are finally despatched to the High Court.

101. *Deposit of expenses in summons to be sent to foreign countries*—(1) Where a process is issued to any court outside India, the court issuing the process shall require the party at whose instance the process is issued to pay in cash (and not in court-fee stamps), such fee for service as is required by the court to which the process is to be sent, and shall transmit the same to such Court, together with, in the case of summons to a witness, reasonable travelling and other expenses.

(2) A process issued by any such court shall only be served upon receipt of the process-fee chargeable, under rule 306 and of the expenses payable to the witness under Order XVI, rule 2. The process fee thus received shall be expended in the purchase of court fee stamps to be affixed to the process.

B. PROCESS TO SOLDIERS AND PUBLIC OFFICERS

102. *Summons to soldiers, Sailors and airmen*—A summons to a soldier, sailor or airman, as defendant or as witness, shall be sent for service to his Commanding Officer. In such cases, sufficient time shall be given to admit of arrangements being made for the relief of the person summoned.

103. *Summons to public Officers*—A summons/notice to a public officer as defendant or as witness shall ordinarily be sent for service to the head of the office in which he is employed.

104. *Intimation to head of Office when Summons sent to Public servant*—In every case where a court sees fit to issue a summons direct to any public officer as a witness, simultaneously with the issue of the summons, notice in the prescribed form (F. 5) shall be sent to the head of the office in which the person summoned is employed, in order that arrangements may be made for the performance of the duties of such person.

105. *Intimation to head of office when summons sent to public Officer*—Where a public officer or soldier, sailor or airman has been summoned under Order V, rule 3, to appear in person through the head of the Office or the Commanding Officer, in the forwarding letter in the prescribed form (F. 6) or in a note on the summons, it shall be stated that the summons should be regarded by such head of the Officer or Commanding Officer also as notice to make arrangements for the performance of the duties of such public officer or soldier, sailor or airman, during his absence.

106. *Public Officer summoned for personal appearance*—Neither of the preceding two rules shall apply where an officer or a soldier, sailor or airman in the Military, Naval or Air Forces of the Union of India or a Public Officer is summoned as a defendant under Order V, rule 1. In such cases he shall make his own arrangements if he wishes to appear in court in person.

107. *Sufficient notice to be given for enforcement of personal attendance of a public officer*—Before the personal attendance of an officer holding a responsible post is enforced, the Presiding Judge shall satisfy himself that his attendance is necessary. If such officer is summoned away from his district, sufficient notice shall be given to him and to his immediate superior to enable arrangements to be made for the discharge of his duties in his absence.

108. *Warrant for arrest of public servants or Railway servants*—(a) No warrant of arrest shall ordinarily be executed against any Government servant until notice in the prescribed form (F. 7) of the intended arrest has been given to the Head of his Office.

(b) No warrant of arrest shall be executed against any railway servant or any person working on a railway in the service of a contractor till notice of the intended arrest has been given to the proper officer or the railway or to the contractor or his representative.

C. SERVICE OF PROCESSES

109. *Establishments of process servers*—There shall be one general establishment of peons under the control of District Judge.

110. *Number of processes to be served annually by a process server*—Subject to any orders of the Judicial Commissioner, the normal establishment of peons shall be at the rate of one peon for an annual average of 400 processes issued. An emergent process or a day occupied by a peon on duty other than of process serving shall be reckoned as equal to three processes.

111. *Process servers to be properly dressed*—It shall be the duty of the Nazir-in-charge to see that the process servers are respectably dressed and wear their badges—belts and satchels.

112. *Processes to be delivered to whom for service*—Every process issued or received by a court for service within the areas covered by the process serving organisation at the station where such court is located shall be delivered to the Nazir-in-charge for service.

113. *The Nazir to be deemed the serving officer of the Court sending the process*—The Nazir to whom the process is sent under the preceding rule shall be deemed the serving officer of the court from which he receives the process, and shall forward direct to such court, in the case of a summons, the return prescribed by Order V, rule 18, and in the case of a Warrant for arrest, the judgment debtor, if arrested, and any decretal money received from the judgment debtor.

Note—(A Nazir may serve a process himself but ordinarily should get processes served by Processes servers).

114. *Processes for serving within out-lying Munsifi*—Where any process is issued for service outside the area covered by the process serving organisation at the station where the court issuing the process is located, it shall be sent to the Judge or Reader concerned:—

Provided that, if the process is for service within the local jurisdiction of the court issuing it,

- (a) warrants of arrest,
- (b) Urgent processes,
- (c) any other process which, in the particular case, it is advisable to serve or execute by a headquarters peon may be delivered to the Nazir-in-charge at headquarter for service by a headquarters peon.

115. *Nazir's list of inhabited places*—Every Nazir-in-charge shall maintain for the jurisdiction for which he is the serving officer,

- (a) a list of all inhabited places within a five mile radius of his office;
- (b) a list of all inhabited places outside such five mile radius;
(An 'inhabited place' for the purpose of this rule means a place containing inhabitants and having a distinctive name)
- (c) a map of the area in the territorial jurisdiction of the court of which he is Nazir; and
- (d) a map showing the beats fixed by the Nazir for process servers under his control.

116. *Beats of area outside five mile radius*—(1) The Nazir-in-charge shall divide the area outside the five-mile radius into beats, shall make the best beats and shall make the

best arrangement possible for the prompt service of processes in each beat.

(2) The Nazir-in-charge shall prepare a statement showing:—

- (i) the number of the beats,
- (ii) the names of the Tehsil and villages included in the beats,
- (iii) the day or days of the week on which processes are issued in the beats, and
- (iv) the number of process servers posted to each beat.

The allotment of process servers to the various beats shall be done by the Reader or Judge in charge every year but for special reasons a process-server may be transferred from one beat to another earlier also.

A copy of such statement after it has been approved by the District Judge shall be supplied to each court and kept in the court-room with a view to dates being fixed in accordance therewith.

(3) *Processes almirah of distribution of processes*—In the office of the Nazir-in-charge, an almirah shall be divided into as many (or more) pigeon-holes as there are beats, with spare holes for urgent processes etc., and each process as soon as it is received shall be placed in its appropriate pigeon hole. The processes shall issue on the days fixed and on other days also if so ordered by the officer-in-charge of the Nazarat for any particular reason.

117. *Issue of Emergent processes*—Emergent processes shall be issued for service on the day they are received by the serving officer or on the next day.

118. *Priority of process server with long stay*—In distributing processes to the process servers, priority shall ordinarily be given to the process-server or process-servers who have longest been at headquarters.

119. *Processes from foreign courts*—A process received for service from foreign courts shall be shown in red ink in the register of processes, and the Nazir-in-charge shall place the register once a week before the Reader of his court, who shall mark the last entry in the register and put his initials thereto indicating that he has checked all the entries and issued necessary orders for obviating delay.

120. *Attendance of process servers*—An attendance register of process servers shall be kept and the roll shall be called every morning at 10.

Diaries of process servers—Every process server shall keep a diary, containing a copy of this rule on the first page, in the prescribed form (Reg. 4) wherein shall be recorded day by day in column 2—

The time, period, and purpose of his attendance, in the Nazir's office or in court, the duties performed, places visited by him together with the time spent therein and stopping place for the night when away on duty from his headquarters; and in column 3 the signature of the Nazir of a court, or of the patwari, zamindar or other respectable person of the places visited, as the case may be, in attestation of the contents of column 2.

121. *Service by special messenger*—A process may be executed by a special messenger,

- (1) in the case of a warrant for the arrest of a person,
- (2) *Emergent service fee*—In any other case in which a court either suo motu or otherwise, records an order that, for the convenience of the parties or for some other reason it is expedient that such process shall be executed by a special messenger. A special fee shall be payable for such 'emergent service'. The court shall, at the time of passing the order, declare by whom the fee shall be paid and whether it shall be included in the costs of the suit or be charged to a particular party.

122. *Tonga hire for emergent service*—In addition to the special fee payable for an emergent process, the court may direct payment by the party concerned of requisite railway fare, tonga hire or any other incidental charges.

123. *Prompt service of processes*—The Nazir shall arrange for the prompt issue and service of all summonses to witnesses received by him having regard to the dates fixed for the attendance of such witnesses.

124. *Code of service of processes*—The provisions of the Code relating to the service of summons etc. should be carefully complied with. Attention is drawn in particular to Order V rules 16, 17 and 18 and Form No. 11 Appendix B as also Order III rule 5.

The process server should, as far as possible, prepare his report on the spot, and attestation of the service should be obtained wherever possible from two respectable residents of the locality in a town or from landlords, headmen, patwaris or neighbours in a village.

Note—It should be impressed upon the process servers that it is their duty and not of the party concerned, unless specially directed by the court in any particular case, to find out the person on whom the process is to be served. It is not necessary for the party to accompany them for identifying that person. They should seek the assistance of the village headman, patwari, chowkidar, etc., to find out the person on whom the process is to be served.

125. *Sufficiency of service and re-issue of processes*—When a process is received back with a service report as contemplated under Order V, rule 19, it shall be promptly laid before the court for orders under Order V, rule 19. A fresh service on payment of necessary process-fee shall ordinarily be ordered if there is sufficient time for such service to be effected.

126. *Service by publication*—Recourse to the mode of substituted service by publication in a newspaper shall be had only when service by any other method is considered impracticable.

A careful discretion shall be exercised in selecting the paper in which the publication is to be made. Such papers only should be chosen as are likely to be read by the person to be served.

No summons or notice shall be published in a magazine.

B. N. NIGAM, I.C.S.
Judicial Commissioner
State of Ajmer

AJMER-MERWARA

Catalogue of Books printed and published in Ajmer-Merwara and registered under Act XXV of 1867, during the quarter which ended on the 30th June 1955.

Serial No.	Author and title, brief subject including the age of the book where the same is obscure, number of pages, publisher and place of publication, date given on the title page with the name of era, where other than Christian era, date of issue from the press or of publication, size, edition and price	Printer and place of printing	Number of copies	Remarks
1	Yodi Surya Nath—SHRI SUDHAR BHAI—NAWALI—Bhagan—34 —Yodi Surya Nath, Pushkar—28-1-55—20×30/16—1st—Free.	Laxmi Printing Press, Ajmer.	500	Copy right reserved.
2	Ravindra Jain—JAWANO PRADIPKA—Educational notes—80 —M/S Jain Bros. Ajmer—1-4-55—20×30/16—1st—1/8/-.	Rajasthan Art Printers Ajmer.	1,100	
3	Deepehendra Bhatia—GUIDE TO JAI HIND READER—Text Book —48—Deepehendra Bhatia, Shankar Bhawan, Bhilwara—15-3-55—20×30/16—1st—12/-.	Hindu Press, Ajmer.	500	
4	Prof. R. S. Verma—GENERAL ENGLISH—General knowledge —108—M/S Jain Bros. Ajmer—29-3-55—20×30/16—1st—2/-.	Newal Ki-shore Press, Ajmer.	1,000	
5	Motiram Valecha—NEW SINDHI GRAMMAR—Grammar—128 —Mulehand Nangrani Proprietor Srikrishin Stores Ajmer—26-3-55—20×30/16—1st—1/4/-.	Amar Bharat Printing Press, Ajmer.	1,000	
6	M/S. C. K. Mirchandani, P. N. Bhambhani & M. C. Hingorani—EXHAUSTIVE NOTES ON MARAHATTA JEEVAN PRABHAT—notes—87—M/S Sind Kitab Ghar Ajmer—28-3-55—20×30/16—1st—1/8/-.	Do.	500	

1	2	3	4	5	1	2	3	4	5
7	M/S. C. K. Mrchandanl, P. N. Bhambhani & M. C. Hingorani—EXHAUSTIVE NOTES ON KOD—Notes—60—M/S Sind Kitab Ghar Ajmer—28-3-55—20 < 30/16—1st—1/4/.	Amar Bharat Printing Press, Ajmer.	500		18	Pt. Rajdhari Tripathi Shastri—SHRI DEV-JI RISHIJI MAHARAJ KA JEEVAN CHARITRA—Biography—58—Mantri Ratan Jain Pustakale Pathdi (Ahmednagar)—18-6-55—20 < 30/16—1st—3/.	National Press, Ajmer.	1,000	
8	Gumansingh Rawat Rajput—GURMAN BHAI JAN MALA—Religious—36—Gurmansingh Rawat Jewana Bariya P. O. Beawar—1-3-55—20 x 30/16—2nd—5/.	Chandro-Daya Printing Press, Beawar.	1,000						
9	SAMAYIK PRATI-KARAN SUTRA—Religious—44—Shri Jain Divakar Divajyoti Karalaya, Beawar—8-3-55—20 x 30/16—2nd—3/6.	Manohar Printing Press, Beawar.	1,000						
10	Shrimati Godavari Devi—PRABHU KEERTAN BHAIHAN MALA—Religious—138—Vaidya Purshottam Lalji Sharma Ajmer—4-4-55—20 x 30/16—1st—free.	Adarsh P. P., Ajmer.	500						
11	Gopinath—SIDHANT BHAIHAN RATAN MALA—Religious—24—Gopinath Yogeshwari Malpur (Rajasthan)—15-3-55—20 x 30/16—1st—8/.	Laxmi P. P., Ajmer.	1,000						
12	Swami Gokuldasji—BHAIHANMALA—Religious—70—Shri Sewadasi Dumara—30-4-55—20 x 30/16—2nd—8/.	National Press, Ajmer.	1,000						
13	V. N. Upadhaya and Manoharlal Singhal—A COMPLETE STUDY IN ENGLISH TRANSLATION—132—M/S Rawat Bros. Ajmer—25-5-55—20 x 30/16—1st—1/10/.	Rajasthan Art Printers, Ajmer.	1,000						
14	Shrimati Shachi Rani Gurtu—VISHWAKI MAHAN MAHILAYE—life of great ladies of the world—220—with photos—Shri Jeetmal Lonia, Sanjhalak Hindi Sahitya Mandali Ajmer—5-5-55—20 x 30/16—second—2/-.	Do.	3,200						
15	N. M. Rao and M. R. Dixit—EXHAUSTIVE NOTES ON INTERMEDIATE ENGLISH VERSE FOR 1956—Educational—29—M/S Krishna Bros Ajmer—25-2-55—20 x 30/16—1st—4/-.	Do.	2,000						
16	Shri Maharaj Narain—ADARSH MAHA PURUSH (Part II)—Educational—62—M/S Krishna Bros Ajmer—10-6-55—20 x 30/16—Revised edition—8/.	Do.	2,000						
17	HINDI PRADIP KAVI MUNI SHRI VIDYA VIJAIJI SHRI BHANDAVPUR JAIN TIRTHA MANDAN SHRI VEER CHARITRA PRATISHTA MAHOTSAVA—History—39—Shri Bhandarpur Tirath Swatamber Jain Pathdi, Bhandwoj P.O. Bhimwal (Marwar)—14-6-55—7.2" x 4.8"—1st—free.	Fine Art Printing Press, Ajmer.	990						

ORDERS BY THE DISTRICT MAGISTRATE, AJMER

NOTIFICATION

Ajmer, the 5th August 1955

No. 380—In exercise of the powers conferred upon me by section 34 of the Ajmer Laws Regulation, 1877 (Regulation III of 1877), I hereby order that no person shall slaughter or cause to be slaughtered any animal on the 15th August 1955 on account of Independence Day in any place in the State of Ajmer.

2. The word 'Animal' means animal meant for slaughtering for food and includes all types of poultry, fish, and game birds.

3. Any person contravening these orders, shall in addition to any other consequences that would ensue for such breach, on conviction before a Magistrate, be punished with imprisonment not exceeding one month or fine not exceeding two hundred rupees or both.

A. K. MUSTAFY
District Magistrate, Ajmer

NOTICE TO CREDITORS OF THE DATE OF HEARING OF AN INSOLVENCY PETITION

Section 19

In the Court of the Insolvency Judge, State of Ajmer,
Ajmer

Insolvency Petition No. 12 of 1955

Shri Moolchand s/o Ratanlal, trading in the name and style of Messrs. Ratanlal Moolchand, Ajmeri Darwaza, Ajmer—Applicant.

Versus

Messrs Kishenlal Birdhichand, Diggi Bazar, Ajmer and others—Creditors.

Whereas Moolchand has applied to this Court, by petition, dated 12th July 1955 to be declared an insolvent under the Provincial Insolvency Act V of 1920, and your name appears in the list of creditors filed by the aforesaid debtor, this is to give you notice that the Court has fixed the 24th day of August 1955 for the hearing of the aforesaid petition and the examination of the debtor. If you desire to be represented in the matter you should attend in person or by duly instructed pleader. The particulars of the debt alleged in the petition to be due, to you, as appended hereto.

Given under my hand and the seal of the Court this the 30th day of July 1955.

List of Creditors

SCHEDULE A

	Rs.	A.	P.
1. Messrs Kishanlal Birdhichand, Diggi Bazar, Ajmer ...	12,686	0	3
2. Shrimati Kesar, w/o Gulabchand, Saraogi Mohalla, Beawar ...	13,312	8	9
3. Shrimati Kishan Kanwer w/o Sujanmalji, Mewari Bazar, Beawar ...	1,500	0	0
4. Shri Tej Mal Samadaria, Kabra Village, Beawar ...	583	0	0
5. Messrs Bach Raj Kanwerlal, Diggi Bazar, Beawar ...	700	0	0
6. Messrs Chand Mal Misrilal, Ajmeri Gate, Beawar ...	3,720	0	0
7. Mst. Booli w/o Nathulal, Ajmeri Gate, Beawar ...	4,437	0	0
8. Shri Pannalalji Kankaria, Dixon Ki Chatri, Beawar ...	1,000	0	0
9. Messrs Ganeshdas Trilokchand, Mewari Bazar, Beawar ...	1,801	0	0
10. Shri Ram Kanwar Khetawat, Fatehpuria Bazar, Beawar ...	900	0	0
11. Messrs Lalchand Lakhmichand, Mewari Bazar, Beawar, Decree ...	12,200	0	0
12. Punjab National Bank, Beawar, Decree ...	3,350	0	0
13. Jaipur Bank ...	16,000	0	0
14. Messrs Hindu Mal Heeralal, Ajmeri Gate, Beawar ...	18,100	0	0
TOTAL ...	90,289	9	0

SCHEDULE B

The applicant is possessed of the following immovable and movable properties at Beawar:—

1. One double storied house No. 5/954 situated at Saraogi Mohalla, Beawar	13,000	0	0
2. One shop building No. 6/521 situated at Ajmeri Darwaza, Beawar ...	7,700	0	0
TOTAL ...	20,700	0	0

MOVEABLES

	Rs.	A.	P.
House hold moveables ...	200	0	0
Carpet, Gadda in the shop ...	50	0	0
TOTAL ...	250	0	0

By order

RISHI KESH

Clerk of Court

to the Insolvency Judge, State of Ajmer, Ajmer

GOVERNMENT OF PONDICHERRY

NOTIFICATIONS

No. 6067.Dev./55—Shri M. N. Sankaran, an officiating Assistant Engineer, on deputation from the Government of Madras, has been appointed to officiate as Assistant Engineer, Mahe, in the Public Works Department of Pondicherry State with effect from the Forenoon of the 23rd May 1955, until further orders.

S. K. SARKAR

Development Secretary

The July 1955

No. AD-26(2)/54—The Government of India having classified the post of Assistant Development Officer, Pondicherry as a Class II (Gazetted) post in the Central Services vide the Ministry of External Affairs Letter No. 10-53/55-GP, dated the 6th July 1955, the Chief Commissioner, Pondicherry hereby notifies the appointment to that post of Shri C. D. Dayal, with the approval of the Government of India, with effect from the forenoon of the 25th November 1954, until further orders.

The 5th August 1955

No. AD11(7)/55-4937—Shri S. R. Srinivasan, formerly Assistant Accounts Officer in the Office of the Accountant-General, Andhra, assumed charge of the Office of the Assistant Pay and Accounts Officer in the Pay and Accounts Office, Pondicherry, on the forenoon of the 8th July 1955.

S. V. SAMPATH

Secretary

General Administration

